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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/551,519 | 04/18/2000 | Itai Kohavi | LILT 17.135 | 2712 |
| 530 | 7590 | 11/22/2004 | EXAMINER | |
| LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090 | | | DIXON, THOMAS A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3629 | |

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,519

Applicant(s)

KOHAVI ET AL.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered and are convincing regarding the method claims.
2. In response to applicant's arguments, a careful reading of the claims finds that rejections claims 1, 9 and 12 include features not supported by the specification, system claims with only minimal structure (plurality of components) and that some claims are not in the technological arts.

Drawings

3. The replacement drawings are acceptable.

Claim Rejections - 35 USC § 112 1st Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 9, 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims refer to "congruency matching", and the related wherein clause, but the specification does not contain the word congruency or specifically congruency of defined restrictions and other criteria.

Appropriate correction is required.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "said actual reservations" of line 27 lacks antecedent basis.

Claim Interpretation

6. Claims directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987).

Thus the structural limitations of claims 1, 9 including a computer storage, compilation and package determination, a purchase option and a booking mechanism are disclosed in Tagawa as described herein.

Thus the structural limitations of claims 17 including a travel packaging system, connections to the central packaging system, searching interface, matching mechanism,

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travel packages database, financial transaction mechanism and booking mechanism are disclosed in Tagawa as described herein.

Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-11, 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Tagawa (5,732,398).

As per Claims 1, 9.

Tagawa ('398) discloses:

a computer storage, see column 9, line 55;

computer compilation and package determination, see figure 7b (42);

a purchase option and a booking mechanism, see column 9, lines 60-62.

As per Claims 2-8, 10-11, 33-35

These claims do not add structure and are seen as non-functional descriptive material and therefore, not patentably distinctions.

As per Claim 17

Tagawa ('398) discloses:

a travel packaging system, see figures 2a-2c;

connections to the central packaging system, see figure 2c (102)

searching interface, see 2a (24)

matching mechanism, figure 2c (100);

travel packages database, see 2c (102, 106, 130, 134, 136, 138, 140, 141) and figure 3 (216, 220);

financial transaction mechanism, see 2b (36, 104) and

booking mechanism, see 2b (106).

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As per Claims 18-28.

These claims do not add structure and are seen as non-functional descriptive material and therefore, not patentably distinctions.

Allowable Subject Matter

8. Claims 12-16, 29-33 would be allowable if the 112 rejections were overcome.

As per Claim 29.

The prior art of record, specifically DeMarcken (6,377,932) in view of Acebo et al (6,923,679) further in view of Son (New York Daily News) does not disclose or fairly teach the method for dynamically formulating a collection of vendor offered travel products, the method comprising:

intelligently compiling travel packages comprising selected ones of said two or more offerings of travel products, each package including offerings of at least two product types, said compiling based on a matching of defined restrictions and other criteria comprising any of geographic distributions, type of product, time considerations, cost intelligent agents, and distribution channel limitations, wherein the defined restrictions for at least one product in a package are dependent on another product accepted in or excluded from the package.

As per Claim 29.

The prior art of record, specifically DeMarcken (6,377,932) in view of Acebo et al (6,923,679) further in view of Son (New York Daily News) does not disclose or fairly teach the method for committing previously uncommitted travel products, the method comprising:

placing defined restrictions on two or more of said determined travel products wherein the defined restrictions for at least one travel product are dependent on another travel product when the one product and the other product are offered in a travel package,

receiving confirmed reservations from said centralized travel packaging system, said reservations included in one or more selected travel packages stored within a travel packages database as determined by an intelligent matching and dynamic compilation mechanism retained within said centralized travel packaging system, each package including two or more travel products of at least two product types.

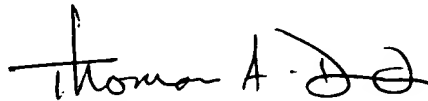
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon
Primary Examiner
Art Unit 3629

November 04